

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cv387-RJC-DCK**

**UNITED STATES COMMODITY)
FUTURES TRADING COMMISSION,)
Plaintiff,)
)
v.)
)
CAPITALSTREET FINANCIAL, LLC)
& SEAN F. MESCALL,)
Defendants, and)
)
GERALD T. MESCALL &)
GAINCAPITAL, INC.,)
Relief Defendants.)
)**

ORDER

THIS MATTER comes before the Court on the Receiver's Motion for Order Establishing Case Procedures (Doc. No. 21) filed on November 19, 2009. The Court, having reviewed the motion and the record in this case, has determined that the motion will be **GRANTED**.

IT IS, THEREFORE, ORDERED that:

1. The Motion is **GRANTED**.
2. In the event that the Receiver seeks to:
 - (a) sell Estate assets;
 - (b) enter into a contract that obligates the Estate for more than \$5000.00;
 - (c) pay professional fees or expenses;
 - (d) settle any litigation initiated by the Receiver; or
 - (e) determine any claim against Estate assets;

he shall file with the Court a motion describing the action that the Receiver proposes to take and

seeking Court approval for that action (the “Motion”). The Receiver will serve a copy of the Motion on all customers of the Defendants or the Relief Defendants (the “Customers”) of which Receiver is aware and post a copy of the Motion on the receivership web page (located at <http://www.grierlaw.com/CapitalStreet>). Unless otherwise requested by a Customer, service by email shall be sufficient. Customers shall have ten (10) calendar days in which to file a written objection to the Motion with the Court and serve that objection on the Receiver. Customers may serve the Receiver by email at capitalstreetreceivership@grierlaw.com. If no objection is filed, the Court will issue an order ruling on the Motion. If a Customer files an objection to the Motion, the Court will rule on the Motion and any objection(s) with or without a hearing, at the Court’s discretion.

3. Entry of this Order shall be without prejudice to the rights of the Commission, the Receiver, or any Customer to subsequently move the Court to expand or limit the Customer’s ability to participate in this proceeding.
4. This action shall be without prejudice to the ability of any Customer to pursue individual claims upon the completion of the Commission’s prosecution of its claims and the Receiver’s duties in this action.

SO ORDERED.

Signed: November 20, 2009



Robert J. Conrad, Jr.
Chief United States District Judge

